

REMARKS

Favorable reconsideration of this application, in view of the present amendments and in light of the following discussion, is respectfully requested.

Claims 1-30 are pending. Claims 1-3, 5, 9-12, 14, 16, and 20-30 are amended. No new matter is introduced.

In the outstanding Office Action, Claims 1-3, 7-12, 14-15, and 18-20 were provisionally rejected under nonstatutory obviousness-type double patenting as being unpatentable over copending Application No. 10/816,843 (hereafter the '843 application); Claims 11, 22, 27 and 30 were rejected under 35 U.S.C. § 101; Claims 1-13 and 15-22 were rejected under 35 U.S.C. § 102(e) as being anticipated by Meenan (U.S. Patent No. 7,313,384, hereafter Meenan); Claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Meenan in view of Kameda (U.S. Patent No. 5,940,772); and Claims 23-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Meenan in view of Hansen (U.S. Patent No. 7,103,018, hereafter Hansen).

Initially, Applicants acknowledge rejection of Claims 1-3, 7-12, 14-15, and 18-20 under nonstatutory obviousness-type double patenting, which is provisional and thus requires no response at this time.

With respect to the rejection of Claims 11, 22, 27 and 30 under 35 U.S.C. § 101, these claims are amended hereby to respectively recite computer-readable mediums storing computer-readable instructions. Therefore, it is believed that Claims 11, 22, 27 and 30, as amended, conform to the requirements of § 101.

M.P.E.P. § 2106 discusses statutory subject matter in relation to the structures of a computer-readable medium, and provides:

A claimed computer-readable medium encoded with data structure defines structural and functional interrelationships between the data structure and computer

software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

Thus, based on the clear language of this section, Claims 11, 22, 27 and 30 are statutory as they define a functionality of which is realized based on the interrelationship of the structure to the medium and recited hardware components. Accordingly, it is respectfully requested that the rejection of Claims 11, 22, 27 and 30 under 35 U.S.C. § 101 be withdrawn.

Turning to the rejection of Claims 1-13 and 15-22 as being anticipated by Meenan, Claim 1 is amended to recite, *inter alia*, an information communication system:

wherein said first information communication apparatus communicates the predetermined communication information to the second information communication apparatus via the wire circuit when the input device of the first information communication apparatus receives a first external input and the input device of the second information communication apparatus receives a second external input, *the first and second external inputs being received independently of said network and said wire circuit*, said second information communication apparatus setting the communication information transmitted thereto from said first information communication apparatus, said first and second information communication apparatuses utilizing the communication information to perform communication therebetween via the network. (Emphasis added.)

The applied reference, Meenan, describes techniques for configuring a home-networking system using a host system to store the configuration information.¹ More specifically, Meenan describes that the home networking system (100) includes multiple home-networked devices (112) connected to each other via a home-networking gateway (15), and a host system (120) connected to the home-networking gateway (15) via communication device (119) and communication links (130).² Meenan describes that the communication device (119) may connect to host system (120) via any of a satellite connection, DSL connection, or a POTS connection.³ When a home-networking gateway (115) is added to a

¹ Meenan at column 2, lines 33-48.

² Meenan at column 2, lines 49-55; see also Figure 1.

³ Meenan at column 4, lines 48-67.

home network, the host system (120) provides the configuration information (124) to the home-networking gateway (115) to avoid manual configuration, which may be cumbersome and/or time-consuming.⁴

The outstanding Office Action identifies the host system (120) of Meenan as corresponding to the claimed first information communication apparatus. However, Meenan does not describe that the host system (120) receives an external input that is independent of communication links (130), much less that the host system (120) transmits the configuration information to the home-networking gateway (115) in response to this external input. Instead, Meenan merely describes that the host system (120) requests confirmation from a user that the home-networking gateway (115) should be associated with the user's account, and transmits configuration information to the home-networking gateway (115) when the home-networking gateway (115) is associated with the user's account.⁵ However, Meenan does not describe that either the request for confirmation or the configuration information is transmitted or received independently of communication links (130). Conversely, amended Claim 1 recites that the first information communication apparatus transmits the predetermined communication information to the second information communication apparatus when the input device of the first communication apparatus receives a first external input, and also recites that *the first external input is received independently of the network and wired circuit*. Therefore, Meenan fails to disclose the first information communication apparatus, and amended Claim 1 is believed to be in condition for allowance, together with its corresponding dependent claims.

Moreover, amended Claims 2-3, 10-12, and 21-22 recite features substantially similar to those recited in amended Claim 1, and are thus believed to be in condition for allowance, together with any claim depending therefrom, for substantially the same reasons.

⁴ Meenan at column 6, line 65 - column 7, line 2; column 8, lines 8-16.

⁵ Meenan at column 9, lines 48-58; column 12, lines 30-36.

Accordingly, it is respectfully requested that the rejection of Claims 1-13 and 15-22 under 35 U.S.C. § 102(e) be withdrawn.

As all other rejections of record rely upon Meenan for describing the above-distinguished features, and the above-distinguished features are not disclosed or suggested by Meenan, alone or in combination with any other art of record, it is respectfully submitted that a *prima facie* case of obviousness has not been presented. Accordingly, it is respectfully requested that the rejection of Claims 14 and 23-30 under 35 U.S.C. § 103(a) be withdrawn.

For the reasons discussed above, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance for Claims 1-30 is earnestly solicited.

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